

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

FITISTICS, LLC,)	
)	
Plaintiff,)	Case No. 1:16-cv-00112-GBL-JFA
)	
v.)	
)	
ERIK B. CHERDAK, ESQ.,)	
)	
Defendant.)	

**MEMORANDUM IN SUPPORT OF PLAINTIFF'S *CONSENT* MOTION TO
CONTINUE HEARING ON PLAINTIFF'S MOTION TO COMPEL**

Plaintiff Fitistics, LLC ("Fitistics), by and through counsel, has moved to continue the July 29, 2016 hearing on its motion to compel (ECF 52) to August 12, 2016. For the reasons set forth below, the Consent Motion to Continue should be granted.

1. On July 15, 2016, Fitistics filed its motion to compel and set a hearing for July 22, 2016. *See* ECF 52-54.

2. On July 18, 2016, the Court issued an order *sua sponte* continuing the hearing on the motion to compel to July 29, 2016, and setting a briefing schedule on the motion to compel. *See* ECF 59.

3. Undersigned counsel has a previously scheduled and booked out-of-town family vacation from July 28 through August 8. Co-counsel, Mr. Corrie, has a scheduling conflict on July 29 as well, in the form of a deposition.

4. Defendant, by counsel, has consented to the continuance.

5. Continuing the hearing may allow the parties to reduce the issues in controversy presented in the motion to compel. Defendant is scheduled to be deposed during the week of July 25.

6. Continuing the hearing will also be in the interest of judicial economy and efficiency because additional discovery disputes remain unresolved and a second motion to compel may need to be filed on Plaintiff's behalf in the near future, which likely would be noticed for a hearing on August 12, 2016 if the parties cannot reach agreement.

7. The Court has inherent authority and discretion to manage its own calendar and promote the interests of judicial economy and fair and efficient resolution of disputes on its docket. *See, e.g.*, Fed. R. Civ. P. 16.

WHEREFORE, Plaintiff respectfully requests that the Court enter an order continuing the hearing on its motion to compel (ECF 52), currently set on July 29, 2016, to August 12, 2016, and for such other relief as the Court deems just and proper.

DATED: July 19, 2016

Respectfully submitted,

/s/ John Ferman

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ATTORNEYS FOR PLAINTIFF FITISTICS, LLC

CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of July, 2016, a true and correct copy of the above MEMORANDUM IN SUPPORT OF PLAINTIFF'S *CONSENT* MOTION TO CONTINUE HEARING ON PLAINTIFF'S MOTION TO COMPEL filed via the CM/ECF system, which will send notice (NEF) to counsel for Defendant listed below and constitutes service under the rules.

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